

# COUNTY OF SAN DIEGO



## California Statewide



## SMOKING RESTRICTIONS

*Paid for by Proposition 99  
The California Tobacco  
Tax Initiative*

### ENFORCEMENT

Employees or the public may anonymously report workplace "Smoking" violations including bars/restaurants to the Tobacco Control Resource Program for follow-up. An infraction can be filed and a fine could be imposed. Bar/restaurant patrons found in violation can also be fined.

Call 1-800-660-7537  
to file a complaint.

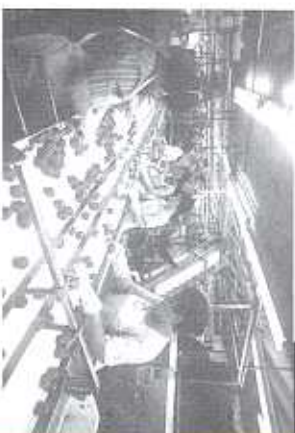


### PENALTIES

Enforcement of the Smoke-free Work Place Law falls under the California Labor Code 6404.5. Violations are punishable as follows:

- First Violation - up to \$100.00
- Second Violation (within one year) up to \$200.00
- Third and subsequent violations (within one year) up to \$500.00 each and will be referred to the California Occupational Safety and Health Administration (Cal-OSHA) where penalties range up to \$7,000 per violation.

In addition, violators are subject to Unfair Business Practices Lawsuits from competitors and may be subject to injunction by local authorities under the "California Unfair Trade Practices Act," which could result in additional civil penalties.



The California Smoke-free Workplace Law states that, "No employer shall knowingly or intentionally permit, and no person shall engage in, the smoking of tobacco products in an enclosed space at a place of employment."

In accordance with the law, restaurants and bars are required to post "No Smoking" signs at each entrance.

### THE LAW



### Why is it needed?

There is now indisputable evidence that smoking is directly related to serious life threatening diseases.

Half of all smokers will die from tobacco related diseases, including Cancer, emphysema and various cardio-vascular diseases. This amounts to 500,000 preventable deaths each year in the U.S. alone. This law protects all workers from the effects of second-hand smoke.





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## SMOKING RESTRICTIONS

Smoking is prohibited in virtually all enclosed places of employment, with the exception of tobacco shops, private residences, and outside patio areas.

*The following smoking restrictions are statewide and preempt all weaker local laws.*



### WORK PLACES

#### SMOKING IS PROHIBITED.

*Exception* - Warehouses without offices and over 100,000 square feet. If over 20 employees, smoking is prohibited.

### BREAK ROOMS

#### SMOKING IS PROHIBITED.

*Exception* - Smoking allowed if (1) air is vented directly outside, (2) break room located in non-work area (3) non-smoking employees have separate break rooms, (4) non-smoking employees must not be required to enter smoking area, (5) patrons not allowed to smoke in break rooms.

### COMPANY VEHICLES

#### SMOKING IS PROHIBITED.

*Exception* - Smoking allowed in cabs of motor trucks or truck tractors when no non-smoking employees are present.

### PRIVATE OFFICES

#### SMOKING IS PROHIBITED.

### CONFERENCE ROOMS & CAFETERIAS

#### SMOKING IS PROHIBITED.

### COMMON AREAS

#### SMOKING IS PROHIBITED.

### HOTELS/MOTELS

#### SMOKING IS PROHIBITED.

*Exception* - Smoking allowed in up to 65% of guestrooms.

### LOBBIES

#### SMOKING IS PROHIBITED.

*Exception* - If lobby is less than 2,000 square feet - smoking is allowed in 50% of space. If lobby is more than 2,000 square feet - smoking is allowed in 25% of space. (Smoking limited to registration area. Bar area not included.)

### BANQUET FACILITIES & MEETING ROOMS

#### SMOKING IS PROHIBITED.

*Exception* - Smoking allowed only under extremely limited circumstances.

### COMMON AREAS

#### SMOKING IS PROHIBITED.

### RESTAURANTS

#### SMOKING IS PROHIBITED.

### BARS/TAVERNS

#### SMOKING IS PROHIBITED.

*Exception* - Solely owner operated with no employees.

### POOL HALLS

#### SMOKING IS PROHIBITED.

### SOCIAL ORGANIZATIONS & GAMING CLUBS

#### SMOKING IS PROHIBITED.

### BINGO PARLORS

#### SMOKING IS PROHIBITED.

*Exception* - Volunteer operated with no employees.

### MOVIE THEATERS & BOWLING ALLEYS

#### SMOKING IS PROHIBITED.

### MEDICAL & CHILD CARE FACILITIES

#### SMOKING IS PROHIBITED.

### VENDING MACHINES

#### PROHIBITED.

*Exception* - Allowed in businesses having "on site" liquor license (stand alone bars). Must be in clear view of employees and 15 feet inside and away from entrances.